



RCE *IRW*

**Conditional
Request for Continued
Examination (RCE)
Transmittal**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See the American Inventors Protection Act of 1999 (AIPA).

Application No.	10/038,089
Filing Date	Jan. 2, 2002
Named Inventor(s)	
Edward I. Comer	
Group/Art Unit	2686
Examiner Name	James K. Moore
Attorney Docket No.	06931.105003

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*. Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (mar. 20, 2000), 1222 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR §1.116 previously filed on August 23, 2004. (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- iii. ☐ Other _____.
- b. ☒ Enclosed 11/29/2004 HDEHESS1 00000075 110980 10038089
- i. ☐ Amendment/Reply 02 FC:2801 395.00 DA
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other: 1) Petition for Extension of Time Under 37 C.F.R. § 1.136 and 2) Request to treat this RCE as a Conditional RCE under MPEP 706.07(h)III.C (see below).

2. Miscellaneous

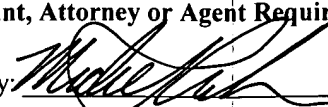
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR § 1.17(i) required)
- b. ☐ Other _____.

3. Fees (The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.)

- a. ☒ Conditionally: The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 11-0980, as noted in the attached Conditional RCE Statement.
- i. ☒ RCE Fee required under 37 CFR § 1.17(e)
- ii. ☒ Extension of time fee (37 CFR §§ 1.136 and 1.17)
- iii. ☐ Other _____.
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

Signature of Applicant, Attorney or Agent Required

Michael L. Wach
KING & SPALDING LLP
45th Floor, 191 Peachtree Street, N.E.
Atlanta, Georgia 30303

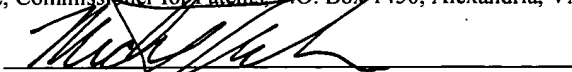
By: , Reg. No. 54,517
Date: November 22, 2004
Telephone: 404.572.4600 Facsimile: 404.572.5145
Customer No. 20786

Conditional RCE Statement

Pursuant to MPEP 706.07(h)III.C, Applicant respectfully requests that this Request for Continued Examination be treated as a Conditional RCE that is to be entered if required to avoid abandonment of the patent application as of November 21, 2004, which is six months following the Final Official Action dated May 21, 2004.

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 22, 2004.



Michael L. Wach, Reg. No. 54,517